

Serial No.: 10/027,235  
Amendment dated 26 May 2004  
Reply to Office Action mailed 26 February 2004

Docket No.: KCC-16,491

### **REMARKS/ARGUMENTS**

This application has been reconsidered carefully in light of the Office Action dated as mailed on 26 February 2004. A careful reconsideration of the application by the Examiner in light of the following remarks is respectfully requested.

Claims 1, 2, 7-14, 17 and 34-52 remain in the application.

#### **Request for Telephone Interview**

Applicants kindly request the Examiner to contact the undersigned to schedule a telephone interview to discuss the merits of this Patent Application.

#### **Claim Rejections - 35 U.S.C. § 102(b)**

Claims 17, 44 and 45 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,646,362 to Heran et al. (hereinafter "Heran et al.").

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Heran et al. does not disclose each and every element or limitation of amended independent Claim 17. Independent Claim 17 requires a **concealed** side seam connecting an edge portion of the first side panel to an edge portion of the second side panel. As defined in Applicants' specification, the term "concealed" refers to a material which is enveloped within the surrounding materials such that it is not visible from either an interior or exterior of the product.

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See Applicants' specification at page 5, lines 10-12, and page 27, lines 12-13. Heran et al. discloses a fin seam wherein side edges of the garment are joined together along a narrow bond portion that is spaced from the ends of the side edge portions. The fin seams are not concealed, as shown in the figures of Heran et al. Therefore, Heran et al. does not disclose a concealed side seam connecting an edge portion of the first side panel to an edge portion of the second side panel, as required by independent Claim 17 and defined in Applicants' specification.

Applicants believe that the above remarks overcome the rejection of Claims 17, 44 and 45 as being anticipated by Heran et al. Applicants respectfully request withdrawal of this rejection.

#### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1, 2, 7-14, 17 and 34-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,610,681 to Strohbeen et al. (hereinafter "Strohbeen et al.") in view of PCT International Application WO 01/79602 to Han (hereinafter "Han").

The Examiner acknowledges that Strohbeen et al. does not disclose a first side panel offset with respect to a second side panel and side seams comprising a primary bond and a secondary bond. However, the Examiner states that Strohbeen et al. discloses that it is desirable to create a disposable garment having the

appearance of underwear. For this reason, the Examiner alleges, Strohbeen et al. created a narrower or discrete exterior seam.

Strohbeen et al. teaches an exterior side seam having a total width of about 1/16" to about 3/16". Strohbeen et al. discloses that the seam area preferably has a total width of about 1/8". As shown in Fig. 5, the side seam 13 connects the garment layers 31, 30, 16 at coterminous edges thereof, thus avoiding "flaps," which are allegedly undesirable.

Strohbeen et al. does not teach or suggest a disposable garment having a side seam connecting the first side panel to the second side panel, wherein the first side panel is offset with respect to the second side panel, as required by independent Claims 1 and 13. Unlike Applicants' claimed invention having a side seam that connects a first side panel to a second side panel, wherein the first side panel is offset with respect to the second side panel (as required by independent Claims 1 and 13), Strohbeen et al. merely teaches a seam that is made relatively narrow so as to minimize the visibility of the seam, thus, avoiding "flaps" that may have an undesirable appearance. See Strohbeen et al. at Col. 2, lines 29-35.

Han does not overcome the deficiencies of Strohbeen et al. Han teaches a sewing method for joining two sheets of animal skin together, each having a polished leather side and a fur side. The two sheets of animal skin contact each other

so that the fur sides are in face-to-face contact with a first sheet edge set back from a second sheet edge. The sewing method results in a fringe of fur filaments A which protrude from the edge strip 13', as shown in Figs. 9 and 10.

One skilled in the art would not be motivated to combine the teachings of Han with the teachings of Strohbeen et al. to create Applicants' claimed invention. First, the method taught by Han would not be useful in constructing the garment side seam of Strohbeen et al. having a preferred width of less than about 1/8". Further, Han actually teaches away from the present invention by teaching a method of sewing that results in a non-discrete fur fringe, indicated by element reference letter A in Figs. 9 and 10 of Han, that protrudes from the edge of the sewed seam. The suggested combination would not provide a garment having the appearance of underwear, and having a narrower or discrete exterior seam.

Accordingly, Applicants respectfully urge that Strohbeen et al., alone or in combination with Han, does not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. § 103(a). Thus, Applicants respectfully request withdrawal of this rejection.

### **Conclusion**

It is believed that all pending claims are in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any

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remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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